MT LEGISLATIVE HISTORY

Chapter 46 1977

Bill H 477 S _____ Original bill & hist. ___C

H. Committee on Judiciary S. Committee on Natural Resources

Hearing Date(s)	Jan 31	✓C	Hearing Date(s)	Feb 24	✓C
	Feb 07	✓C		_____	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	Feb 07	✓C		Feb 24	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

H BILL NO. 477

INTRODUCED BY Brueckner

REQUESTED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 89-318, 89-320, AND 89-322, R.C.M. 1947, TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION RATHER THAN THE APPLICANT FOR A WEATHER MODIFICATION PERMIT SHALL PUBLISH THE NOTICE OF INTENTION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 89-318, R.C.M. 1947, is amended to read as follows:

"89-318. Issuance of permits -- requirements for permit -- hearing. (1) The permits shall be issued in accordance with procedures and subject to conditions the board may by rule establish to effectuate this chapter, only:

(a) if the applicant is licensed pursuant to this chapter;

(b) if sufficient notice of intention is published ~~and proof of publication is filed as required in section 89-322~~;

(c) if an applicant furnishes proof of financial responsibility in an amount to be determined by the board as required in ~~section~~ 89-323;

(d) if the fee for the permit is paid as required in ~~section~~ 89-324;

(e) if the weather modification and control activities to be conducted are determined by the board to be for the general welfare and the public good.

(2) The department shall hold a public hearing in the area to be affected by the issuance of the permit, if the board determines that a hearing is necessary. The department may in its discretion assess the permit applicant for the costs incurred by the department in holding the hearing."

Section 2. Section 89-320, R.C.M. 1947, is amended to read as follows:

"89-320. Notice of intention to apply for permit -- activities limited by terms of permit. Before undertaking any weather modification and control activities, the applicant for a permit shall file with the department~~, and also have published,~~ a notice of intention. If a permit is issued, the holder of the permit shall confine his activities to the time and area limits set forth in the notice of intention, unless modified by the board. His activities shall conform to any conditions imposed by the board. The permit may not be sold or transferred."

Section 3. Section 89-322, R.C.M. 1947, is amended to

read as follows:

"89-322. Publication of notice of intention. (1) The ~~applicant~~ department shall have the notice of intention, or that portion thereof including the items specified in ~~section~~ 89-321, published at least once a week for ~~two (2)~~ consecutive weeks in a newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one ~~(1)~~ county or if the affected area is located in more than one ~~(1)~~ county or is located in a county other than the one in which the operation is to be conducted, then in newspapers having a general circulation and published within each of the counties.

(2) ~~Proof of publication, made in the manner provided by law, shall be filed by the applicant with the department sooner than the sixteenth day after the date of the last publication of the notice.~~ The applicant shall reimburse the department for the costs of publication of the notice of intention."

Section 4. Effective date. This act is effective on its passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 440-77

FISCAL NOTE

Form BD-15

compliance with a written request received February 8, 19 77, there is hereby submitted a Fiscal Note House Bill 477 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
ckground information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 477 provides that the Department of Natural Resources, and not the applicant for a weather modification permit, shall publish the notice of intention.

FISCAL IMPACT:

None. Advertising costs could be absorbed by the Department of Natural Resources and Conservation.

Richard L. Drew Jr.

BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2-16-77

JUDICIARY COMMITTEE

January 31, 1977

The regularly scheduled meeting of the House Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Building, Helena, Montana on Monday. All members were present with the exception of Representatives Dussault and Kennerly.

SCHEDULED FOR HEARING WERE HOUSE BILLS #77, 456, 464, 475, 355, 477 and 374.

The hearing opened on House Bill #477.

REPRESENTATIVE HUENNEKENS, DISTRICT #68:
This bill will provide that the department of natural resources and conservation rather than the applicant for a weather modification permit shall publish the notice of intention. If you will notice on page 1, the permit process, it is a matter of time requirement. Before undertaking any weather modification and control activities, the applicant for a permit would file with the department a notice of intention. He would be confined to the time and area limits set forth in the notice of intention, unless modified by the board.

There were no other proponents, no opponents and no questions from the committee.

The hearing closed on House Bill #477.

THE HEARING OPENED ON HOUSE BILL #475:

REPRESENTATIVE HUENNEKENS, DISTRICT #68:
This is the Montana Privacy Act. I would like to introduce Senator Towe, who will speak in behalf of the bill.

PROPONENT, SENATOR TOWE, DISTRICT #26:
Before I get to the meat of the bill I would like to present some background material. Anglo-American jurisprudence has been traced back to the 16th century. He discussed the right of privacy, the fight for rights. He discussed the fact that Oliver Wendell Holmes thought that wiretapping is a dirty business. The Senator then went on to discuss the various ways our privacy might be invaded, such as wiretapping, tape recordings, pick-up microphones, etc. He noted that President Nixon had authorized the auditing and inspection of thousands of farmers income tax returns. The Montana Law Review has published an article of mine about the growing awareness of privacy in America, a copy of which is presented to the committee. In 1972 the new constitution would include the concept of privacy. I have three bills dealing with the subject but with different aspects of it. However, it is somewhat similar to bills that have been introduced before. If I may, I would like to go over some of the provisions with you. We will go through the scope of the bill. I will explain

JUDICIARY COMMITTEE

EXECUTIVE SESSION
February 7, 1977

Following the regular meeting of the House Judiciary Committee an executive session was held at 9:30 a.m. in room 436 of the Capitol Building, Helena, Montana. All members were present with the exception of Representatives Dussault, Kennerly and Seifert. Chairman Scully presided.

HOUSE BILL #326:
REPRESENTATIVE LORY moved to amend page 1, section 3, line 17, following "government" strike "or". The motion to amend carried with the vote unanimous.

REPRESENTATIVE LORY moved "do pass as amended". Discussion followed about standards of training, the certified programs available, and the fiscal impact. The question was called and the motion carried with Representatives Roth and Day voting "no".

HOUSE JOINT RESOLUTION #17:
REPRESENTATIVE LORY moved "do not pass". The motion carried with the following representatives voting "no".

Ramirez	Conroy	Scully
Colburn	Teague	

HOUSE BILL #291:
REPRESENTATIVE TEAGUE moved to amend page 2, line 1, following, "such" strike "control" insert "possession or transfer". After some discussion he withdrew his motion.

REPRESENTATIVE KEYSER presented written amendments from the sub-committee, wherever the word "weapon" appears, strike it and insert, "firearm". The motion to amend carried with the vote unanimous. (copy attached)

There followed some discussion about presumption and what it presumed to do, and what it included. Following this discussion and the proposed amendments of the sub-committee Representative Keyser moved to table until Wednesday. The motion carried with Representative Ramirez voting "no".

HOUSE BILL #457:
REPRESENTATIVE HAND moved "do not pass". The motion carried with Representatives Holmes and Courtney voting "no".

HOUSE BILL #477:
REPRESENTATIVE LORY moved "do pass". The motion carried with the vote unanimous.

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

February 24, 1977

The twenty-second meeting of the Natural Resources Committee was called to order by Senator Elmer Flynn, Chairman, at 9:30 a. m. on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present except Senator Roskie.

Mr. Larry Weinberg, Staff Attorney of the Legislative Council, was also present. Tala Skari of the Environmental Quality Council was also present.

CONSIDERATION OF HJR 24: A Joint Resolution of the Senate and the House of Representatives of the State of Montana commending the Great Falls Gas Company for helping homeowners to insulate their homes to conserve energy; encouraging other utilities to emulate this example.

Representative Les Hirsch, representing District 52 in Miles City, stated that the 1975 law provided for the insulation, and the Great Falls Gas Company took advantage of this provision and have been doing an excellent job in insulating the homes. The work is done and then is added to the monthly utility bill. In Great Falls a cost estimate was done on 320 homes and 110 of those homes were then finally insulated, and the program seems to be working quite well. I am asking to commend the Great Falls Gas Company for taking advantage of an Act that was passed in 1975. They should be commended for their energy conservation efforts.

Senator Jergeson said, I think we should commend them and try to encourage other utilities in the state to do the same.

DISPOSITION OF HJR 24: Brief discussion followed. Motion was then made by Senator Jergeson and seconded by Senator Galt that HJR 24 BE CONCURRED IN. Motion carried unanimously.

CONSIDERATION OF HB 477: An Act to amend Sections 89-318, 89-320; and 89-322, R.C.M. 1947, to provide that the Department of Natural Resources and Conservation rather than the applicant for a weather modification permit shall publish the notice of intention; and providing an immediate effective date.

Representative Herb Huennekens, representing District 68, said this is essentially a very simple bill. The current practice for

weather modification action is for the applicant to go through the notifcation process. The point of the bill is this. In almost all other application processing the notification is done by the department. The reason for that is the mechanics of writing the notification is a little technical. Moreover, it makes it a little more simple, a little more uniform.

Senator Manley asked, what is a weather modification.

Representative Huennekens replied, cloud seeding. He also said, with water fog it is standard procedure in the United States.

DISPOSITION OF HB 477: Motion was made by Senator Smith and seconded by Senator Devine that HB 477 BE CONCURRED IN. Motion carried.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:00 a. m.

Elmer Flynn

SENATOR ELMER FLYNN CHAIRMAN

ROLL CALL

NATURAL RESOURCES COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 2-24-77

NAME	PRESENT	ABSENT	EXCUSED
FLYNN, Elmer, Chairman	✓		
ROSKIE, George, Vice-Chairman			
Devine, John	✓		
Dover, Harold	✓		
Galt, Jack	✓		
Jergeson, Greg	✓		
Manley, John	✓		
Smith, Ed	✓		

attach to minutes.

SENATE NATURAL RESOURCES COMMITTEE

BILL HB 477
HJR 24

VISITORS' REGISTER

DATE 4

Please note bill no. (check one)

NAME	REPRESENTING	BILL #	SUPPORT	OPPOSE
Kieran Curreschick				

STANDING COMMITTEE REPORT

February 24 19 77

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 477

Respectfully report as follows: That HOUSE Bill No. 477

BE CONCURRED IN

DO PASS

SENATOR ELMER FLYNN Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 477

INTRODUCED BY HUENNEKENS

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